

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE
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MICROSOFT CORPORATION,

Plaintiff,

CASE NO. C10-1823-JLR

vs.

MOTOROLA, INC., et al.,

Defendant.

MOTOROLA MOBILITY LLC,
et al.,

Plaintiff,

vs.

MICROSOFT CORPORATION,

Defendant. /

VIDEOTAPED DEPOSITION OF
OWEN ROBERTS
Wednesday, May 22, 2013
Reno, Nevada

Job No. CS1671951

REPORTED BY: MICHELLE BLAZER
CCR #469 (NV) - CSR #3361 (CA)

1 continue to record unless all parties have agreed to go
2 off line -- correction, go off the record.

3 The microphones are sensitive and will pick up
4 whispers and private conversations.

5 Counsel will now introduce themselves, the name
6 of their firm and who they represent, counsel for the
7 plaintiff first, please.

8 MR. WION: Chris Wion, Calfo Harrigan for
9 Microsoft and the witness.

10 MR. KILLOUGH: David Killough for Microsoft.

11 MS. ROBERTS: Andrea Pallios Roberts of Quinn
12 Emanuel for defendant, Motorola.

13 THE VIDEOGRAPHER: Will the court reporter
14 please swear in the witness.

15 OWEN ROBERTS,
16 called as a witness in said case,
17 having been duly sworn,
18 was examined and testified as follows:

19 EXAMINATION

20 BY MS. ROBERTS:

21 Q Good afternoon, Mr. Roberts.

22 A Hi.

23 Q As you just heard, my name is Andrea Roberts and
24 I will be taking your deposition today.

25 Will you please state your full name for the

1 A Correct.

2 Q Okay. Are you aware that Mr. Davidson has been
3 deposed in this case?

4 A Yes, counsel informed me of that.

5 Q Have you reviewed his deposition transcript?

6 A No, ma'am.

7 Q Have you spoken to Mr. Davidson at all about his
8 deposition?

9 A No. He spoke to me before he was deposed and
10 then I was on vacation. And I only got back on Monday
11 night.

12 Q Okay. Welcome back.

13 A Thank you.

14 Q Okay. Well, I'd like to talk about the move
15 from the Duren, Germany facility to the new facility in
16 the Netherlands and -- and the timeline for how that
17 occurred.

18 So can you tell me when the decision was made to
19 relocate the EMEA distribution facility from -- from
20 Duren, Germany to the Netherlands?

21 A The -- If you are asking for the precise date
22 that we said we were moving, I don't recall the exact
23 date. It was sometime in the March time frame that we
24 decided to pull the trigger and make the move. There had
25 been some discussions before that as a lead up to that

1 decision.

2 Q When did the discussions start? The -- let me
3 make that more clear.

4 When did the discussions about whether to move
5 from Duren, Germany begin?

6 A From the best of my recollection, it was in
7 middle to late January.

8 Q And how did those discussions begin?

9 A Our attorney at the time briefed myself and my
10 boss that there was a potential that we would be unable
11 to do business as we had been performing in Germany based
12 on some pending litigation between Motorola and
13 Microsoft. And that as part of that potential we may
14 have to move our facility out, out of Germany in order to
15 continue to do business in Europe. Not -- not
16 particularly in Germany, but to do business in Europe.

17 Q And who, who was the attorney that conveyed this
18 information to you?

19 A Shelley McKinley.

20 Q Okay. And you said that she told -- informed
21 you and your boss of that --

22 A Correct.

23 Q -- is that right? And your boss was Mr. Tobey?

24 A Correct.

25 Q And do you recall when that conversation took